



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Robert L. Morgan  
Executive Director

Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210

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Salt Lake City, Utah 84114-5801

(801) 538-5340 telephone

(801) 359-3940 fax

(801) 538-7223 TTY

www.nr.utah.gov

September 18, 2002

CERTIFIED RETURN RECEIPT  
7099 3400 0016 8895 4951

Mr. Scott Gubler  
Standard Gypsum Products, Inc.  
1414 East 3850 South  
St. George, Utah 84790

Re: Notice of Non-Compliance & Division Order, Standard Gypsum Products, Inc., Bloomington Hills Mine, S/053/007, Washington County, Utah

Dear Mr. Gubler:

On April 18, 2002, the Division sent you a letter noting that we had received notice from the School & Industrial Trust Lands Administration that your mineral lease on the Bloomington Hills Mine expired on September 30, 1993. The mineral lease has not been reissued to date.

In our letter, we stated that under the terms of your permit and the requirements and rules of the Utah Mined Land Reclamation Act, you should immediately reclaim the mining disturbances associated with this site. Our letter requested that you contact the Division within 30 days to advise us of your plans to reclaim the site. To date, we have not received any contact or correspondence indicating your plan to carry out the reclamation requirements.

On July 17, 2002, the Division again inspected the mine site (inspection memo attached). Disturbances at the site had not been reclaimed and the site was essentially the same as when it was last inspected by the Division on April 14, 1999. Because you have not contacted our office or attempted to reclaim the disturbance at the site, the Division finds Standard Gypsum Products, Inc. in non-compliance of the requirements of the Utah Mined Land Reclamation Act, 40-8-1 et. seq. ("the Act").

#### Findings of Non-Compliance:

Standard Gypsum Products, Inc. has failed to reestablish their legal right of entry (state mineral lease) to allow continued mining operations within the project area. Standard Gypsum has failed to commence reclamation as requested in the Division's letter dated April 18, 2002 and as required by letter dated March 21, 2002, from the School & Institutional Trust Lands Administration. Timely reclamation is also required by the Utah Mined Land Reclamation Act, Title 40-8-12(1), 40-8-12(3) and 40-8-12.5.

#### Location of Non-Compliance:

Division records indicate that this mine site and the access road are located in portions of Sections 17, 18, & 20, T43S, R15W, in Washington County, Utah.



**Mitigation Requirements:**

*You are hereby ordered to begin immediate cleanup and reclamation of all affected areas associated with this mining project. The reclamation & reseeding work should be completed no later than November 22, 2002. A written schedule for initiating and completing the reclamation activities must be received by the Division, within 14 days of your receipt of this notice.*

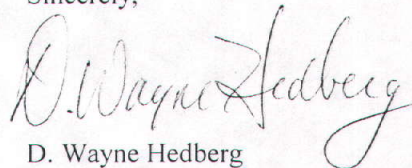
**Penalties for Failure to Comply**

1. A failure to comply with this Notice of Non-compliance, may force the Division to prepare a formal Notice of Agency Action. This enforcement action could require the operator to appear at an informal hearing before the Division Director, or a formal hearing before the Board of Oil, Gas and Mining. Following formal public notice and hearing, the Board may issue a compliance Order.
2. Rule R647-3-111. Failure to Reclaim - If the operator of a small mining operation fails or refuses to conduct reclamation as required by the Act and these rules, the Board may, after notice and hearing, order that:
  1. Reclamation be conducted by the Division; and
  2. The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court.
3. The Board may also ask the County prosecutor or attorney general to bring suit against the operator to enforce its Orders and to seek assessment of appropriate penalties, not to exceed \$10,000 for each knowing or willful violation of the Act.

*If you wish to contest this Notice of Non-Compliance, you may contact the Division to schedule an informal meeting with the Associate Director and members of the Minerals Program staff. Please contact Vickie Southwick, Executive Secretary, at (801) 538-5304, within 10 days of your receipt of this notice, if you choose to appeal this Notice and arrange an informal meeting.*

If you have any questions regarding the requirements of this letter, please contact me at (801) 538-5286, or Doug Jensen at (801) 538-5382. Thank you for your immediate attention to this matter.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor  
Minerals Regulatory Program

jb

Attachments: 7/17/2002 inspection memo & 4/18/2002 letter

cc: John Blake, SITLA  
Mary Ann Wright, DOGM  
Doug Jensen, DOGM

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Michael O. Leavitt  
Governor

Robert L. Morgan  
Executive Director

Lowell P. Braxton  
Division Director

July 27, 2002

TO: Minerals File

FROM: Doug Jensen, Senior Reclamation Specialist *D. Jensen*

RE: Site Inspection, Bloomington Hills Mine, S/053/007, Washington County, Utah

Date of Inspection: July 17, 2002  
Time of Inspection: 2:00 p.m.  
Conditions: Windy, cloudy and warm  
Participants: Will Stokes, SITLA, Doug Jensen, DOGM

#### Purpose of Inspection:

To check the site to see if permittee had begun reclamation that was requested in a Division memo dated April 18, 2002.

#### Observations:

Conditions at the site were much the same as it was when the Division inspected the site on April 14, 1999. No reclamation work had been completed and the amount of trash at the site had increased since that inspection.

#### Conclusions and Recommendations:

The permittee has failed to respond to SITLA and the Division's request to reclaim the site. A Notice of Non-Compliance should be issued to Mr. Gubler ordering the completion of reclamation work at the site.

jb  
cc: John Blake, SITLA  
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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Kathleen Clarke  
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Lowell P. Braxton  
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1594 West North Temple, Suite 1210

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Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

April 18, 2002

## CERTIFIED RETURN RECEIPT

7099 3400 0016 8895 9604

Scott Gubler  
Standard Gypsum Products, Inc  
1414 East 3850 South  
St. George, Utah 84790

Re: Site Reclamation, Standard Gypsum Products, Inc., Bloomington Hills Mine, M/053/007, Washington County, Utah

Dear Mr. Gubler:

The Division recently received a notice from the School & Institutional Trust Lands Administration notifying us that M1 40876 being held by you for the Bloomington Hills Mine expired on September 30, 1993. Our records indicate that this site and the access road are located in portions of Sections 17, 18 & 20, T43S, R15W, in Washington County, Utah.

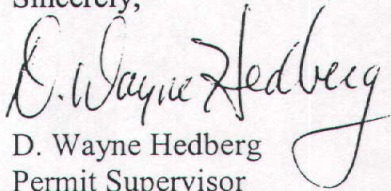
The Trust Lands Administration requests that Standard Gypsum Products under the terms of its DOGM mining permit and requirements and rules of the Utah Mined Land Reclamation Act be required to immediately and fully reclaim all mining disturbances upon trust lands associated with the Bloomington Hills Mine. The Trust Land Administration has noted that they will allow reasonable access by Standard Gypsum Products to accomplish such reclamation. All trash and debris must be removed and lands restored to their approximate original contour and vegetation cover. Appropriate surface erosion controls should also be implemented as determined by the Division.

On April 14, 1999, the Division inspected the mine site area and noted that no reclamation had been performed at the site. It was also noted that the general mine area was being used to illegally dispose of trash and garbage. Subsequently, we recommended that efforts be made to reclaim the disturbances at the site because of the close proximity of new housing developments to this area, and the potential public health and safety concerns. Clean up of the mine area and complete reclamation of the mine disturbance will allow the Division to release the operator from continued liability for this site.



Because Standard Gypsum Products, Inc. has lost its state mineral lease and no longer has the legal right to mine this site, efforts to clean up the mine area and begin reclamation should begin immediately. The Division requests that you contact us within the next 30 days to advise us of your plans for closure and reclamation of this site. If you have any questions please contact me, or Doug Jensen at (801) 538-5286, and (801) 538-5382 respectively.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor  
Minerals Regulatory Program

sm

Enclosure: Trust Lands Administration Letter dated 3/21/02

cc: John Blake, SITLA

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# State of Utah

School and Institutional  
TRUST LANDS ADMINISTRATION

675 East 500 South, Suite 500  
Salt Lake City, Utah 84102-2818  
801-538-5100  
801-355-0922 (Fax)  
<http://www.trustlands.com>

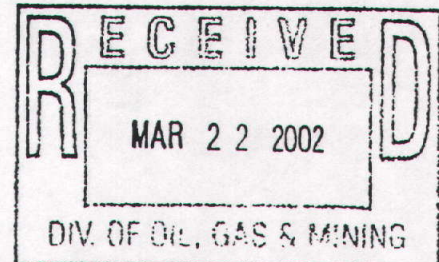
Michael O. Leavitt  
Governor

Stephen G. Boyden  
Director

5/53/007  
\* claug  
Wayne

March 21, 2002

Wayne Hedberg, Permit Supervisor  
Mineral Reclamation Program  
Division of Oil, Gas & Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, UT



## BUILDING MAIL

RE: Bloomington Hills Mine, T43S, R15W, SLB&M, Sections 17 thru 20  
DOGM Permit # S/053/007, Standard Gypsum Products  
Mineral Lease ML 40876-Gypsum

Dear Mr. Hedberg,

A significant surface mining disturbance remains upon trust lands at the Bloomington Hills Mine, T43S, R15W, SLB&M, Sections 17, 18 & 20. I understand that the mine was permitted by the Division of Oil, Gas & Mining as a Small Mine and that the lands were mined by Standard Gypsum Products. Trust lands mineral lease ML 40876-Gypsum covering the effected lands was issued to Standard Gypsum Products on October 1, 1983 and expired on September 30, 1993. The lands have not been leased for gypsum since that time and no further mining of the lands is or will be authorized by the Trust Lands Administration.

The Trust Lands Administration requests that Standard Gypsum Products under the terms and conditions of its DOGM mining permit and the requirements and rules of the Utah Mined Land Reclamation Act be required to immediately and fully reclaim all mining disturbances upon trust lands associated with the Bloomington Hills mine. The Trust Lands Administration will allow reasonable access by Standard Gypsum Products to accomplish such reclamation. All trash and debris must be removed and the lands restored to their original grade, contour and vegetation cover. Appropriate surface erosion controls should also be implemented as determined by the Division. Please contact me if you have any questions or if I may be of assistance in coordinating this effort.

Sincerely,

John T. Blake  
Mineral Resource Specialist